

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

RAHUAL W.,

Plaintiff,

v.

Civil No. 2:25cv49

**COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

ORDER

Rahual W. ("Plaintiff"), appearing pro se, brought this action seeking disability back pay for the 2021 and 2022 calendar years. ECF No. 3. The matter was referred to a United States Magistrate Judge for a report and recommendation, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. The Magistrate Judge entered a Briefing Order on January 24, 2025. ECF No. 11. After Plaintiff failed to file a brief as instructed, the Commissioner of the Social Security Administration ("the Commissioner") filed a Motion to Dismiss for Failure to Prosecute along with a memorandum in support. ECF Nos. 12, 13. Plaintiff filed a timely response to the motion, ECF No. 15, and the Commissioner filed a reply, ECF No. 17.

The Magistrate Judge's Report and Recommendation was filed on May 15, 2025, recommending that the Commissioner's Motion to

Dismiss be denied and that the Court appoint an attorney to represent Plaintiff. ECF No. 19. By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections were filed by either party, and the time for filing objections has expired.

Having reviewed the relevant portions of the record and finding no clear error in the Magistrate Judge's findings or reasoning,¹ the Court hereby **ADOPTS** in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on May 15, 2025. ECF No. 19. Accordingly, the Commissioner's Motion to Dismiss is **DENIED**, ECF No. 12, and the Court appoints Clark J. Belote of Kaufman & Canoles to represent Plaintiff.

The Clerk shall forward a copy of this Order to Plaintiff, counsel for Defendant, and to Clark J. Belote.

IT IS SO ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
June 10, 2025

¹ As no objections to the Report and Recommendation were filed, this Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).